

COMMITTEE ON SMALL BUSINESS AND
ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on December 17, 2009, at 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING
OVERSIGHT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 17, 2009, at 2 p.m., to conduct a hearing entitled, "Afghanistan Contracts: An Overview."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 17, 2009, at 2:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION,
PRODUCT SAFETY, AND INSURANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 17, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate to conduct a hearing on December 17, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, first, on behalf of Senator DODD, I ask unanimous consent that a military fellow in his office, CPT Joslyn Hemler, be granted floor privileges during the consideration of the 2010 Department of Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:01 A.M.
TOMORROW

Mr. REID. Mr. President, I now move to recess until 12:01 a.m.

Mr. MCCONNELL. Parliamentary inquiry.

The PRESIDING OFFICER (Mr. DURBIN). The Republican leader.

Mr. MCCONNELL. Before we proceed to the vote, I would like to make a parliamentary inquiry: I believe it is the case that a simple motion to recess or adjourn is not amendable; is that correct?

The PRESIDING OFFICER. The Republican leader is correct.

Mr. MCCONNELL. Further inquiry. I also believe that a motion to recess or adjourn to a time certain is amendable with time changes.

The PRESIDING OFFICER. The Republican leader is correct.

Mr. MCCONNELL. I will not offer an amendment to change the time to convene later, but so everybody will know, with regard to their own personal schedules, this vote could occur at any time tomorrow. It wouldn't have to be at 1 a.m. The majority leader has the discretion to do that. We are, of course, prepared to talk around the clock and happy to have a vote at 1 o'clock. I just want everybody to understand it is my understanding that the majority leader does have the ability to set the vote later than 1 a.m.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 380 Leg.]

YEAS—59

Akaka	Durbin	Leahy
Baucus	Feingold	Levin
Bayh	Feinstein	Lieberman
Begich	Franken	Lincoln
Bennet	Gillibrand	McCaskill
Bingaman	Hagan	Menendez
Boxer	Harkin	Merkley
Brown	Inouye	Mikulski
Burr	Johnson	Murray
Cantwell	Kaufman	Nelson (NE)
Cardin	Kerry	Nelson (FL)
Carper	Kirk	Pryor
Casey	Klobuchar	Reed
Conrad	Kohl	Reid
Dodd	Landrieu	Rockefeller
Dorgan	Lautenberg	Sanders

Schumer
Shaheen
Specter
Stabenow

Tester
Udall (CO)
Udall (NM)
Warner

Webb
Whitehouse
Wyden

NAYS—38

Alexander
Barraso
Bennett
Bond
Brownback
Bunning
Burr
Coburn
Cochran
Collins
Corker
Cornyn
Crapo

DeMint
Ensign
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Johanns
Kyl
LeMieux
Lugar

McCain
McConnell
Murkowski
Risch
Roberts
Sessions
Shelby
Snowe
Thune
Vitter
Voinovich
Wicker

NOT VOTING—3

Byrd

Chambliss

Enzi

The motion was agreed to.

The PRESIDING OFFICER. The Senate stands in recess until 12:01, a.m., Friday, December 18, 2009.

Thereupon, the Senate, at 6:52 p.m., recessed until Friday, December 18, 2009, at 12:01 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

DAVID T. MATSUDA, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION, VICE SEAN T. CONNAUGHTON, RESIGNED.

NATIONAL COUNCIL ON DISABILITY

GARY BLUMENTHAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010, VICE ANNE RADER, TERM EXPIRED.

CHESTER ALONZO PINN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE KATHLEEN MARTINEZ, TERM EXPIRED.

SARA A. GELSER, OF OREGON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011, VICE PATRICIA POUND, TERM EXPIRED.

ARI NE'EMAN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE ROBERT DAVILA, TERM EXPIRED.

DONGWOO JOSEPH PAK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE TONY J. WILLIAMS, TERM EXPIRED.

CAROL JEAN REYNOLDS, OF COLORADO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010, VICE LISA MATTHEISS, TERM EXPIRED.

FERNANDO TORRES-GILL, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011, VICE GRAHAM HILL, TERM EXPIRED.

JONATHAN M. YOUNG, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE KATHERINE O. MCCARY, TERM EXPIRED.

BARRY GOLDWATER SCHOLARSHIP &
EXCELLENCE IN EDUCATION FOUNDATION

GWENDOLYN E. BOYD, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2014, VICE DONALD J. SUTHERLAND, TERM EXPIRED.

PEGGY GOLDWATER-CLAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING JUNE 5, 2012. (REAPPOINTMENT)

SMALL BUSINESS ADMINISTRATION

MARIE COLLINS JOHNS, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE JOVITA CARRANZA, RESIGNED.